

THINKS FURTHER  
EFFORTS USELESS

Taft Leaves Tariff Problem to  
Wilson and Next  
Congress.

## LAST GENERAL MESSAGE

It Deals With Every Depart-  
ment of Government Except  
That of State.

Washington, December 6.—President Taft will make no further effort to have Congress reduce the tariff. In a "general" message to Congress submitted today the President clearly indicated his intention of leaving further tariff revision to Mr. Wilson and the Congress just elected.

"Now that a new Congress has been elected on a platform of tariff for revenue only, rather than a protective tariff, and is to revise the tariff on that basis," said the President, "it is needless for me to occupy the time of Congress with arguments or recommendations in favor of a protective tariff."

This message, the second submitted by the President since the present session began, will be his last of a general character. It dealt with every department of the government except the State Department, recommended much of the legislation which Mr. Taft previously had urged upon the attention of Congress, and took up and discussed at length several subjects comparatively new.

Mr. Taft came out strongly against independence for the Philippines, proposed, he said, in a bill now before Congress. He deprecated the new policy of one battleship a year instead of two and endorsed again the scheme of currency reform proposed by the National Monetary Commission.

**Lightly Touches Conservation.** Conservation was lightly touched, the President recommending the amendment of bills now before Congress so that water power companies which dam navigable rivers will contribute to the improvement of those streams.

He declared that no radical change in the Sherman antitrust law was needed and praised the Supreme Court for its recently announced changes in rules of equity procedure. In this connection the President asked Congress to pass legislation which would allow the Supreme Court to formulate rules of procedure under the common law in Federal courts, and predicted that such action would facilitate justice in those courts and reduce the cost of litigation to the public.

The Panama Canal was discussed in a few words, the President prophesying its opening in the latter part of 1913. He took occasion, however, to declare that Congress should reward the work of Colonel Goethals by an appointment as major-general, with the provision that he become chief of engineers when the canal is opened.

**Praises Army Legislation.** The army the President discussed at some length. He praised the army legislation of the last Congress, but said that provision should be made by law so that the nation's foreign legations may be always maintained upon a war footing, and he urged the passage of the pending militia bill, designed to make service in the militia more enticing, and showed that the home army will be nothing more than a "skeleton" until Congress provides that it be concentrated in fewer posts than are now maintained. He urged also the passage of another bill now before Congress designed to raise quickly a volunteer army in case of war.

One of the striking arguments of the message was that against the measure proposing autonomy for the Philippines at once and independence in eight years.

"In the Philippine Islands we have embarked upon an experiment unprecedented in dealing with dependent peoples," said President Taft. "We are developing these conditions exclusively for their own welfare. Through the unifying forces of a common education, of commercial and economic de-



**A Great Success!**  
Miss Rives' New Novel  
**The Valiants of Virginia**  
More thoroughly characteristic of its author than even her great success, *Satan Sanderson*, the new novel, *The Valiants of Virginia*, is Hallie Erminie Rives from the first word to the last. Charming in atmosphere, original and striking in its character values, it should take high place among the Rives romances, if not indeed the highest place.

**By Hallie Erminie Rives**  
Author of *Satan Sanderson*, *The Kingdom of Slender Swords*, etc.  
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A. P. HILL CAMP  
ELECTS OFFICERS

Veterans Discuss Plans for Observance of General Lee's Birthday.

Times-Dispatch Bureau.  
3 Bollingbrook Street,  
Richmond, Va., December 6.—  
A. P. Hill Camp of Confederate Veterans elected officers for the ensuing year last night and discussed arrangements for the celebration of General R. E. Lee's birthday on January 19. The attendance of veterans was large, and the meeting was one of interest. As the anniversary of General Lee's birth falls on Sunday, it was decided to hold a memorial service on that day in one of the churches, and to have the usual parade and banquet on Tuesday following, January 21. All details as to the memorial service and as to the parade, banquet and speakers will be completed at the next meeting of the camp.

**Officers Elected.**  
The officers of the camp elected last night are as follows:  
Commander, Wm. Smith; first lieutenant, Commander, W. B. Harrison; second lieutenant, Commander, Judge J. M. Mullen; third lieutenant, Commander, Robert Gilliam, Sr.; adjutant, Dr. R. M. Bidgood, quartermaster, James E. Coldwell, officer of the day, A. J. Clements, surgeon, Dr. W. E. Harwood, chaplain, Rev. C. B. Bryan, D. D. treasurer, R. P. Barham, sergeant-major, R. F. Jarvis, vidette, N. B. Simmons; color sergeant, J. A. Jolley; first color guard, W. H. Kevan; second color sergeant, W. H. Nugent.

**Executive Committee.** Hon. W. E. Harwood, T. S. Hewitt, General Smith Bolling, J. B. Whitehorse, Dr. W. E. Harwood, W. N. Jones and Judge James M. Mullen.

**Smoke in Steeple.**  
Smoke issuing from the steeple of the Second Presbyterian Church, on Washington Street, shortly after noon today caused the fire department to be called out. There was no fire in the steeple or church, however, the smoke having reached the steeple through a defective pipe connected with the furnace. The same thing had occurred before.

**Colored Farmers Robbed.**  
A couple of colored farmers from one of the neighboring counties, who had been to town on business, were robbed at the lower station last night by negro sharpshooters. They lost their overcoats, and one of them was swindled out of his money. Petersburg has been remarkably free from robberies of any kind for some time.

**Confederate Bridge Location.**  
L. S. Rose, W. A. Horner and E. T. Hatcher, a commission appointed by the supervisors of Chesterfield County for the purpose, held a conference today with counsel for the Atlantic Coast Line Railroad Company relative to the building of an overhead bridge at Grossman's Crossing, in Chesterfield, near this city. The probability is that a bridge will soon be built at this point. The crossing, in view of the obstruction of view of approaching trains, is a dangerous one, and a number of persons have been killed there.

**General News Notes.**  
James Thomas, colored, was fined \$50 in the Police Court this morning on conviction on the charge of running a crap joint on Old Street.  
The weather this week has furnished a fine season for ordering tobacco for market, and the receipts at the warehouses next week are expected to be large. Very little of this year's crop has been marketed as yet.  
Dr. E. G. Williams, of the State Board of Health, addressed the Citizens' Improvement League of Dinwiddie at the Reams graded school today on "Sanitation."

**The Charvats Acquitted.**  
The trial of Frank Charvat and his three sons—Joseph, Frank, Jr., and Boharlay Charvat—who were arrested in Prince George County last week on the charge of burning the barn of Joseph V. Tipl, which was destroyed by fire on the night of November 27, was held at Prince George County Court today and resulted in all of them being acquitted. The case attracted a large crowd, and the feeling was intense. The evidence against the accused was very slight. The main evidence of the Commonwealth was the fact that bloodhounds trailed from the burned barn to the home of the Charvats. All of the parties concerned were Bohemians.

**Address by Dr. Kent.**  
[Special to The Times-Dispatch.]  
Lynchburg, Va., December 6.—Dr. Charles W. Kent, of the faculty of University of Virginia, made an address to the student body of the Lynchburg High School to-night at the High School. Dr. Kent's theme was "Literature and Travel."

**May Get Public Buildings.**  
[Special to The Times-Dispatch.]  
Washington, December 6.—Congressman May of Virginia, has introduced bills for the purchase of sites and the erection of Federal buildings at "Preston Road" and "Lynchburg." As there probably will be a generous public building bill passed this year, these bills no doubt will be included.

CITY MAY CORRECT  
BUILDING RULES

Defects Shown in Text of Opinion  
Rendered by Federal  
Supreme Court.

## CONFERS ARBITRARY POWER

Invalid Ordinance Gave Majority  
Absolute Right to Fix  
the Line.

Ways by which the city can correct the defects in its building line ordinance and re-enact it so as to preserve the idea of uniform construction on certain blocks are pointed out in the written opinion delivered by Justice McKenna, of the United States Supreme Court, a copy of which reached City Attorney Pollard yesterday. The Supreme Court, in the case of J. E. Eubank against the city of Richmond, reversed the Supreme Court of Appeals of Virginia and remanded the case for further proceedings.

In effect, the State law granting the city the power to fix a building line is held to be valid, and the city's power to exercise that right under certain conditions is not questioned, but the Supreme Court objected to that provision in the city ordinance which provided that on petition of the owners of two-thirds of the property on any block the Committee on Streets must fix the line petitioned for.

**Gave Committee No Discretion.**  
Objection was made that this left no discretionary power in the hands of the committee, and did not provide a proper hearing for the minority property owners. The case came up on a review of the judgment of the Hustings Court of the city of Richmond affirming a fine of \$25 imposed in the Police Court on Eubank for alleged violation of the city's building line ordinance.

Eubank, through Attorney S. S. Patterson, sought the validity of the ordinance and the statute on which it was enacted, on the ground that they infringe the Constitution of the United States in that they deprived him of his property without due process of law and denied him the equal protection of the law. The city ordinance was based on an act of the Legislature which gave the validity of which was not questioned in the opinion. Eubank is the owner of a lot twenty-three wide on the south side of Grace Street, between Twenty-eighth and Twenty-ninth Streets. He applied for and received a permit on December 19, 1908, to erect a detached brick building to certain plans and specifications which had been approved by the building inspector, dimensions of the building to be 26 by 55 by 23 feet high.

**Already Has Permit.**  
On January 5, 1909, the Street Committee being in session, two-thirds of the property owners on the block petitioned for the establishing of a building line, and it was established on the line of a majority of the houses then erected. Eubank was given notice that the line established was "about fourteen feet back of the true street line" and on a line with the portions of houses, and that all the windows must conform to that line. At the time the line was fixed the material for the house had been assembled, but no actual construction had been done. The building conformed to the line, with the exception of an octagon bay window which projected about three feet over the line. The State Supreme Court sustained the statute, saying that it was neither unreasonable nor unusual.

**The Court's Opinion.**  
The opinion of Justice McKenna says in part:

"Whether it is a valid exercise of the police power is the question in the case, and that power we have defined, so far as it is capable of being defined by general words, a number of times. It is not susceptible of circumstantial precision. It extends, we think, not only to regulations which promote the public health, morals and safety, but to those which promote the public convenience or the general prosperity. But necessarily it has its limits, and must stop when it encounters the prohibitions of the Constitution."

The ordinance leaves no discretion in the Committee on Streets as to whether the street line shall or shall not be established in a given case. The action on the committee is determined by two-thirds of the property owners. In other words, part of the property owners fronting on one side of a street and a different one on the other. One person, having a two-thirds ownership of a block, may have the power against a number having a less collective ownership. This, as we have said, is the vice of the ordinance, and makes it, we think, an unreasonable exercise of the police power.

**Power Is Unquestioned.**  
The case requires no further comment. We need not consider the power of a city to establish a building line or regulate the structure or height of buildings. The cases which are cited are not apposite to the present case. The ordinances or statutes which were passed on had more general foundation and had more general purpose, whether exercises of the police power or of eminent domain.  
In view of the decision of the Supreme Court it is believed that an ordinance can be drawn which will meet the objections raised giving the committee discretionary power to hear from all property owners and to recommend or refuse the establishment of a building line as may appear for the best interests of the community.

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PAYLOR CAUGHT  
IN BUENOS AYRES

Absconding Former City Treasurer of Danville Is in Custody.

[Special to The Times-Dispatch.]  
Danville, Va., December 6.—That William S. Paylor has been arrested in Buenos Ayres was made known in a message at the State Department last night from American Minister Garrett, at Buenos Ayres, who stated that Paylor was apprehended there early on Thursday morning.

A fugitive from justice for nearly five months, with a \$500 reward offered for his arrest, Paylor, the absconding former city treasurer, was indicted by a grand jury at the September term of the Corporation Court for embezzling \$500.  
The State Department has been asked by Governor Mann to have Paylor extradited, and he will be brought back here to stand trial for his crime. The news of the fugitive's capture does not come as a surprise to the people of his home town, for within the past few weeks many have been the rumors of his being located in the South American city.

It was on Saturday night, November 24, that the first inkling of activity in the Paylor matter became known. Governor Mann wired Commonwealth's Attorney Hamlin here for a copy of the indictment under seal, against Paylor, and also a copy of the warrant for his arrest. This step having been taken by the Richmond authorities, it was generally supposed that requisition papers were being prepared, although Mr. Hamlin stated that if such papers were being prepared, he would be called upon first to act.

Public sentiment here differs widely on the news of Paylor's arrest. There

WILL ERECT MEMORIAL  
Shaft to Men in War of 1812 Will Be  
Placed in Norfolk.

The National Society of United States Daughters of 1812, Virginia Division, which closed its annual convention yesterday at the Jefferson Hotel, decided to erect a memorial shaft in the city of Norfolk to Major Charles Faulkner and the men who assisted him in defending Norfolk from British invaders in the War of 1812.

The shaft will probably cost between \$500 and \$600, the amount to depend upon the generosity of contributions. More than \$500 was raised yesterday morning by subscription on the floor of the convention when the matter was under discussion.  
Mrs. Charles Gibson, of Washington, who is State president of the society, presided throughout the sessions. Only the terms of a few officers elected at the convention, and in consequence the list of new officers does not include all those who hold positions in the society.

The election resulted as follows: Mrs. Samuel Goodwin, Emporia, first vice-president; Miss Mary Neblett, Petersburg, fourth vice-president; Mrs. Mary Kearns, Richmond, historian; Mrs. S. M. Parker, Emporia, Mrs. Estelle Burrows, Norfolk, and Mrs. J. O. James, Petersburg, directors.  
The society had one sixty-seven members in this State. Three years ago it had seven. The annual conventions are always held in Richmond at the Jefferson Hotel.

**SKYSCRAPER FOR LYNCHBURG.**  
Plan for Proposed Ten-Story Office Building in Hands of Contractors.

[Special to The Times-Dispatch.]  
Lynchburg, Va., December 6.—The plans for the proposed 10-story office and bank building, to be erected at the corner of Eighth and Main streets by the People's National Bank, are in the hands of contractors, who have been asked to submit bids on December 14.  
In addition to two local contracting firms, contractors in New York City, Baltimore and Washington, and probably one in Richmond, are making estimates for prospective bids.

The contract is to be let so that the raising of the building now on the site can be started immediately after the beginning of the new year, by which time all of the occupants of the building will have vacated.

**Reckless Drivers Fined.**  
Three negroes were convicted yesterday morning in Police Court of recklessly driving their teams through the streets. Louis Trump was fined \$5 and costs, and Albert Vaughan and Albert Harris \$10 and costs.

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